

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N #SAC-2006-418-1-I-W

17 MARCH 2006

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

BAY POINT HOMEOWNERS ASSOCIATION
c/o TIDEWATER ENVIRONMENTAL SERVICES, INC.
POST OFFICE BOX 865
JOHNS ISLAND, SOUTH CAROLINA 29457-0865

for a permit to perform maintenance dredging in waters of

BIG BAY CREEK

at a location within the Bay Point basin located near Bay Point Drive on Edisto Island, Colleton County, South Carolina (Latitude 32.493389°, Longitude 80.342416°)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 17 APRIL 2006

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of performing maintenance dredging by hydraulic dredge to dredge the 2.9 acre basin and entrance channel to -8.0 ft. MLW by removing approximately 22,000 cubic yards of material from the existing the existing Bay Point Homeowners Association Basin. The material will be pumped to a staging area adjacent to the basin and dewatered. The return water from this process will be piped back to Big Bay Creek and the dewatered dredge material will be trucked to an upland disposal location at 1850 Clark Road on Edisto Island, South Carolina. The applicant is requesting a ten year permit. The purpose of the proposed work is to

17 MARCH 2006

improve navigation and basin flushing during all phases of the tidal cycle for private vessels operating in the Bay Point Homeowners Association's basin and to provide access to Big Bay Creek.

Please note: A similar activity was approved under P/N 98-1T-177-P, C (which expired on September 30, 2005). During the permit review for this earlier project, the applicant tested the proposed dredged material for possible transport to the ocean and ocean disposal in 1998 however, the applicant revised this project on January 11, 2001, to dewater the material at an upland staging area, to send the return water to the Bay Point Basin and to transport the dredged material to Sanders Farm located at 1850 Clark Road on Edisto Island, South Carolina.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107.**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 2.9 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and

Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Debra W. King
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

**Joint Federal and State Permit Application
Bay Point Homeowners Association
Charleston, South Carolina**

11. Description of the Overall Project and of Each Activity In or Affecting U.S. Waters or State Critical Areas.

The proposed work consists of performing maintenance dredging to remove accumulated sediments from Bay Point Homeowners Association (BPHA) basin and channel for improvement of basin flushing and navigation. Approximately 22,000 cubic yards of material over a 2.9 acre area are expected to be dredged. The material will be removed with a hydraulic dredge and pumped via pipeline to a staging area adjacent to the marina basin. The dredge material will be dewatered at this location using the Genesis Fluid System Rapid Dewatering System (RDS), or similar technology. The return water will be allowed to discharge back into Big Bay Creek, and the dried material will be hauled via truck to an upland disposal location at 1850 Clark Road on Edisto Island, South Carolina. Details of the RDS are given below. Approval of this permit will give Federal authorization for maintenance dredging for a period of ten years from the date of issuance.

Please note that this activity was previously authorized under Department of the Army Permit No. 98-1T-177 (Expired September 30, 2005) and SCDHEC-OCRM Permit No. 98-1T-177-P-C (Expired February 8, 2004). The proposed dredge footprint and volume for this application is identical to the previously issued permits. Additionally, use of the RDS was permitted through a permit modification to the original permits noted above.

The location of the basin is depicted in Figure 1. The location of the spoil area is shown in Figure 2. A site plan of the proposed dredge area is presented in Figure 3, and the proposed staging area for the RDS is presented on Figure 4. Cross-sections of the proposed dredge cuts are presented in Figures 5 through 7.

The applicant does not propose to conduct any sediment analysis in support of this permit application because the previous sediment analysis indicates that there are no known constituents of concern within the sediment. Additionally, the basin has been regularly dredged on 4-5 year intervals and there are no known potential sources of pollution adjacent to the basin. A minor spill occurred within the basin during the previous dredging event when a barge sank and spilled approximately 10 gallons of diesel fuel. However, the spill was contained, and the South Carolina Department of Health and Environmental Control closed the incident without requiring any further remediation or monitoring due to its minor nature. A copy of the incident report and the previous sediment analysis is attached. As well, no other boat maintenance (i.e. – painting, stripping, engine maintenance, fueling, septic pump-out) occurs within the basin. Based upon this information, it is unlikely that any contamination exists within the marina basin.

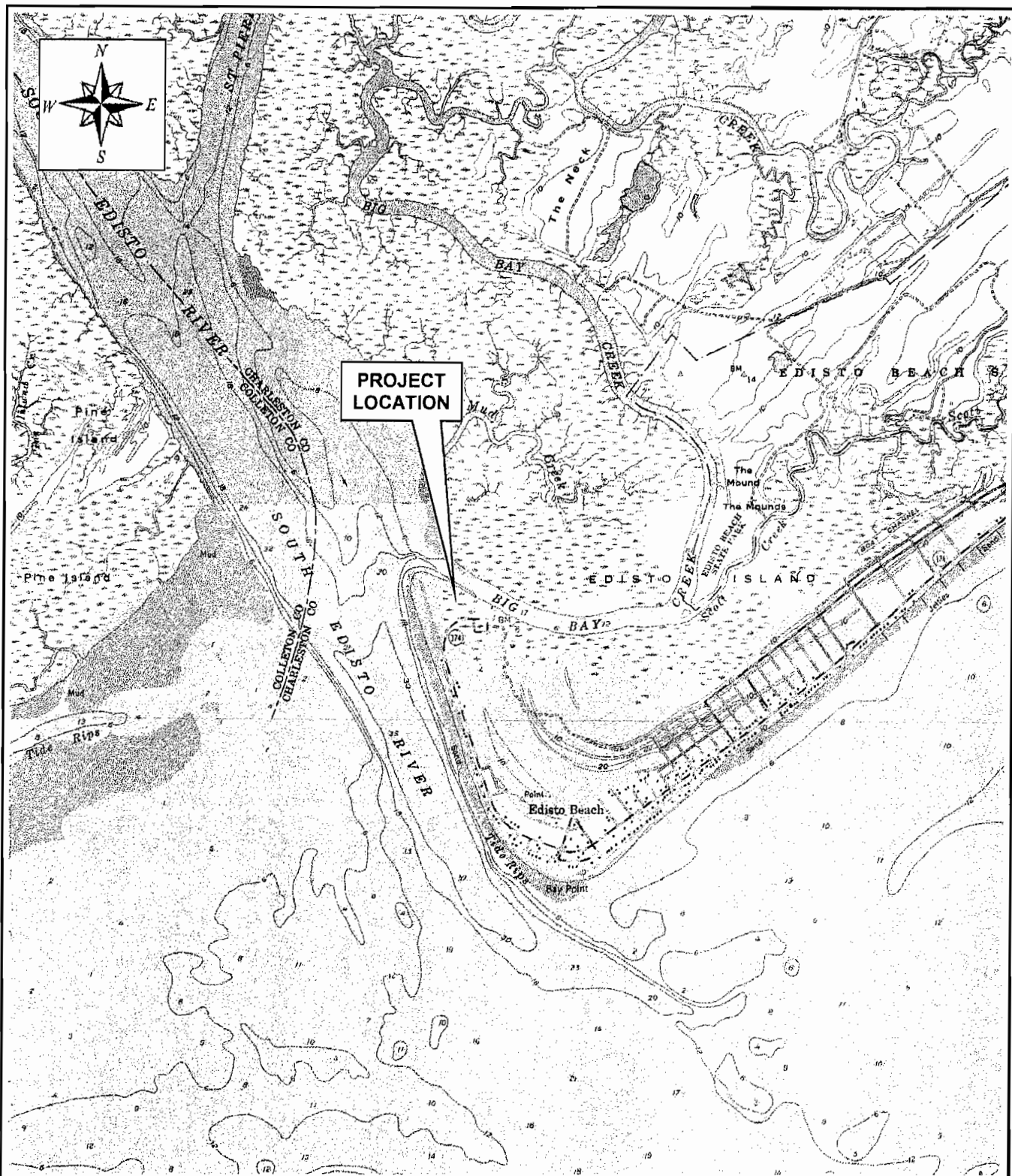
In order to utilize the RDS, a dredge pipe will be extended to the proposed staging area. The staging area will be located across South Carolina Route 174 (Palmetto Boulevard) from the basin. The dredge pipe will pass through a culvert located underneath Palmetto Boulevard and extend down a drainage easement to the staging area. The return water pipeline will also follow this pathway either back to the basin or into Big Bay Creek. The staging area will be located in the Edisto Marina parking lot. Preliminary approval for use of the parking lot was granted by the owner of the Edisto Marina.

The RDS can continuously process recovered sediments at a rate of 2500-5000 gallons per minute. As the slurry is pumped into the RDS, an anionic (inert) polymer will be injected into the slurry to flocculate the sediment. The slurry will then pass over a filter screen which will

separate the flocculated sediment from the water. The sediment will then slide down an inclined filter screen to a conveyor system that will transfer the sediment to a filter press for further dewatering. At the completion of the process, the moisture content of the processed material will be approximately 35% (similar to that of typical yard soil). It is anticipated that approximately 1,000 cubic yards of in-situ material will be dredged per day. This will result in approximately 650 cubic yards of processed (dewatered) material. The processed material will be stockpiled within the staging area for immediate trucking to the disposal site at Sanders Farm on Edisto Island. A long-term leasing arrangement for use of the disposal area is currently being drafted between the property owner and the BPHA.

The water generated from the dewatering process will be discharged back to BPHA's basin or Big Bay Creek. Based upon the results from the previous sediment analysis and the use of an anionic polymer to flocculate the dredge material, it is not anticipated that there will be any permanent impacts to water quality or the surrounding environment. Temporary impacts, such as increased turbidity, will cease upon project completion. These impacts are expected to be minor in nature due to the normally high turbidity associated with tidally influenced areas of coastal South Carolina. Please note the RDS will eliminate the environmental impacts associated with the construction of a traditional disposal facility since the material can be stockpiled and trucked to an offsite disposal location. Nonetheless, a small berm will be constructed around the perimeter of the staging area to prevent incidental runoff during storm events. Other Best Management Practices necessary to prevent impact to the environment during storm events will be employed, if necessary.

SAC-2006-418-1-I-W



PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC-2006-418-1-I-W
SURVEY DATUM: UTM

FIGURE 1
PROJECT LOCATION MAP
1"=3000'

0' 1500' 3000' 6000'

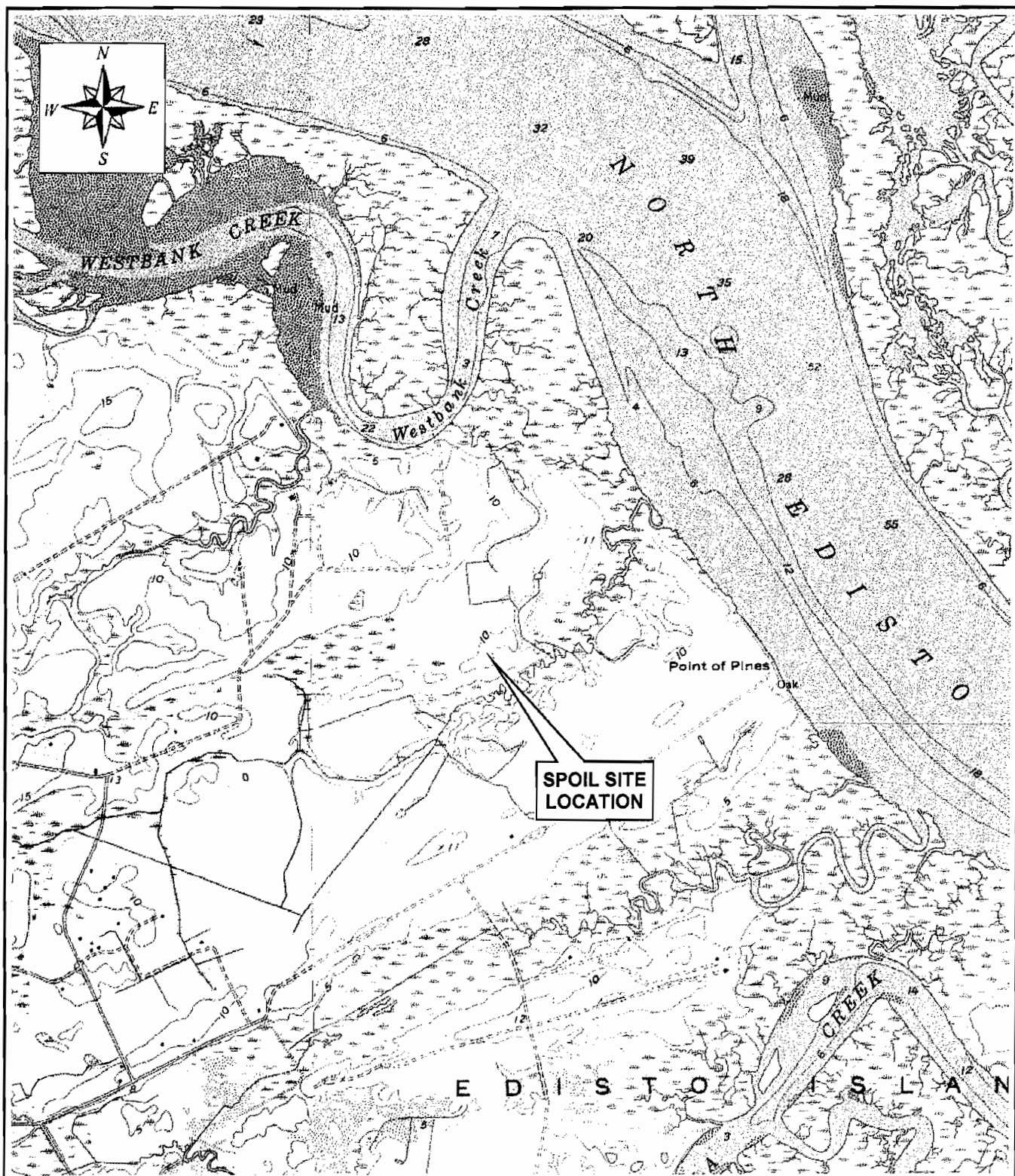
APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK
COUNTY: COLLETON

SHEET: 1 OF 7 **DATE:** 02/15/06



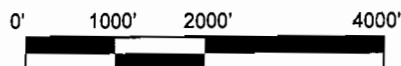
PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC-2006-418-1-I-W
SURVEY DATUM: UTM

FIGURE 2
SPOIL SITE LOCATION

1" = 2,000'



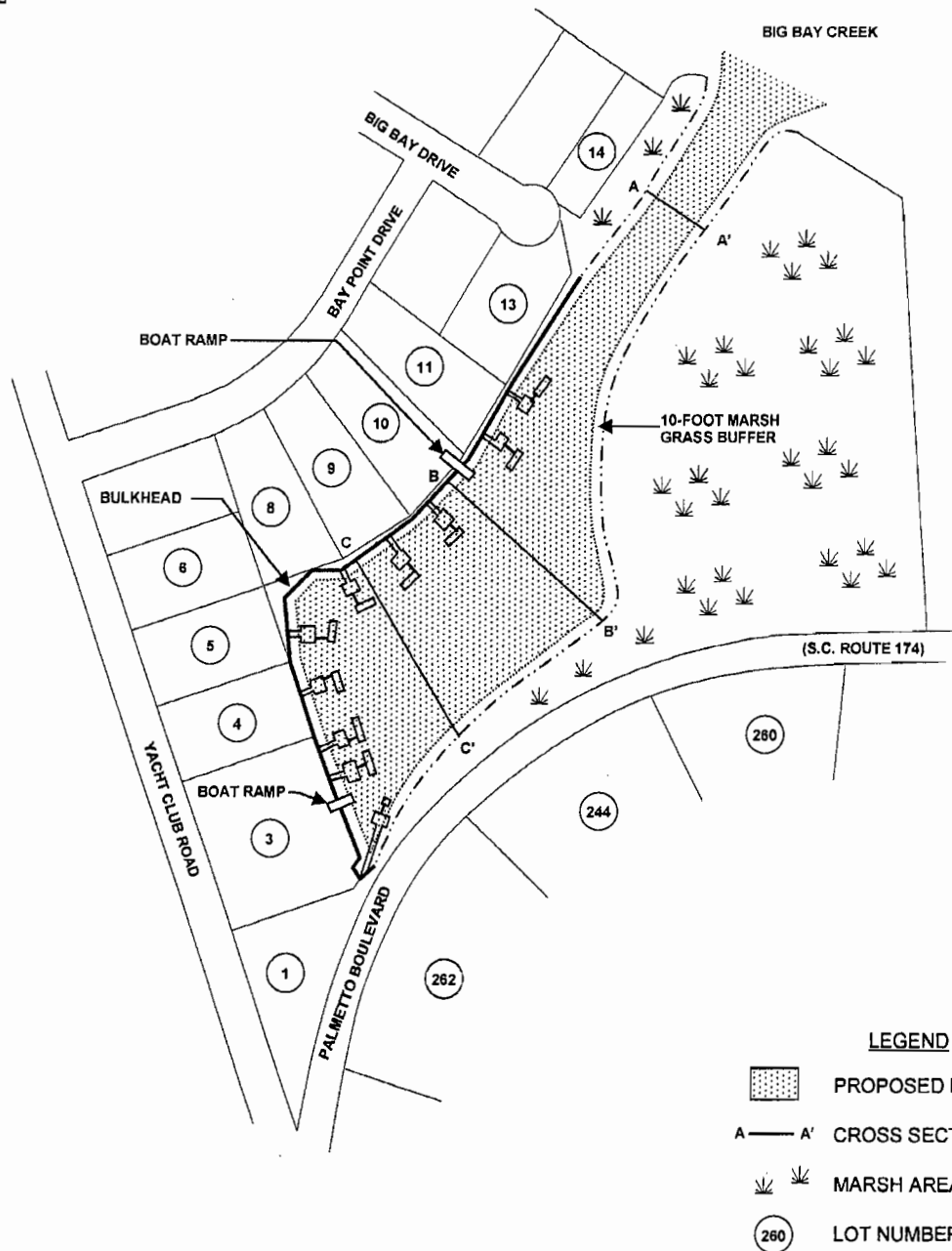
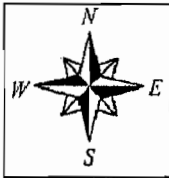
APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK
COUNTY: COLLETON

SHEET: 2 OF 7 DATE: 02/15/06



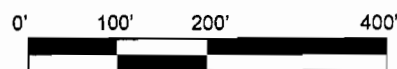
PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC 2006-418-1-I-W
SURVEY DATUM: UTM

FIGURE 3
PROPOSED DREDGE AREA

1"=200'



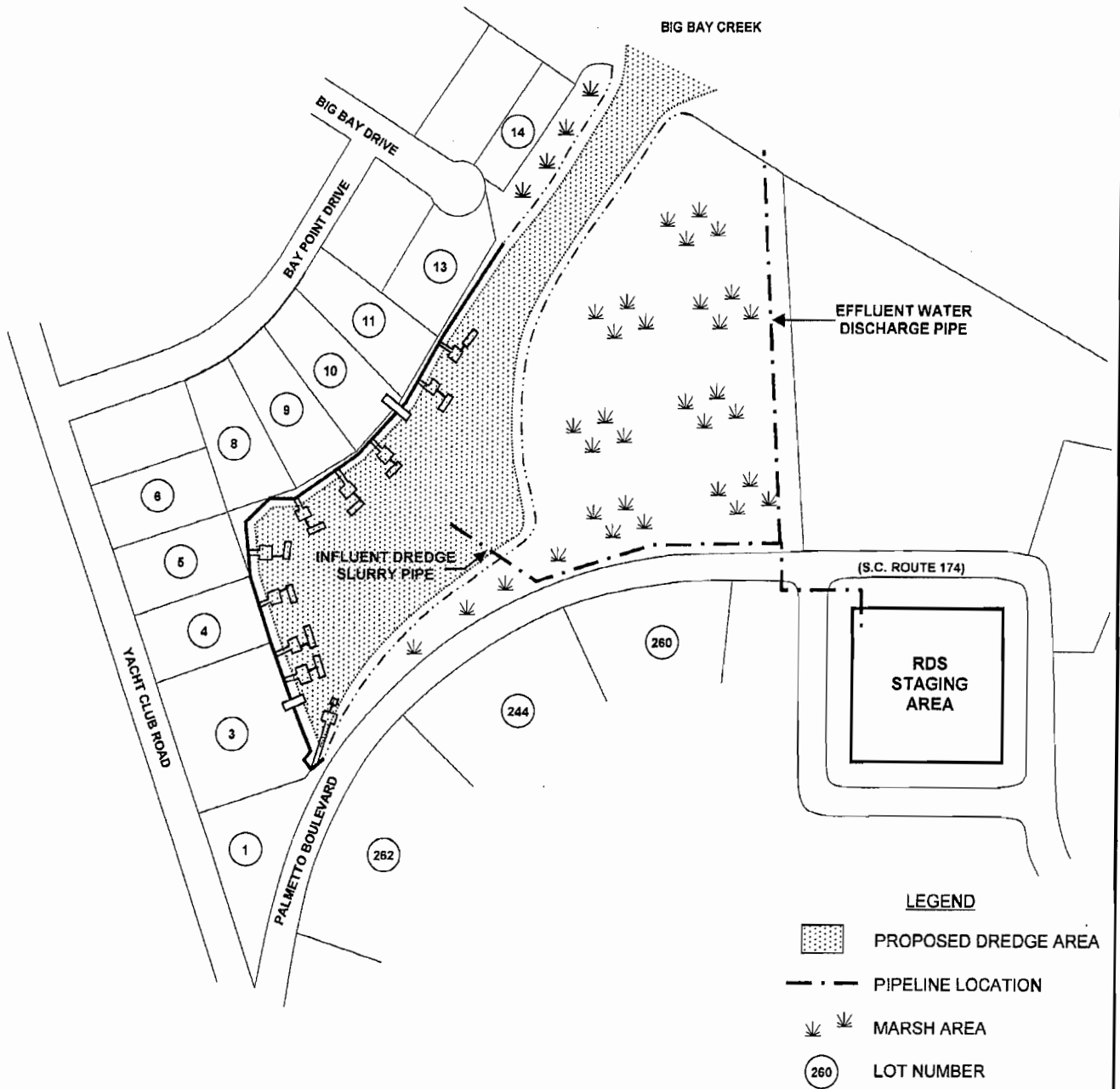
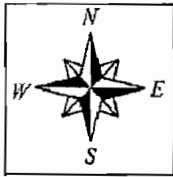
APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK
COUNTY: COLLETON

SHEET: 3 OF 7 DATE: 02/15/06

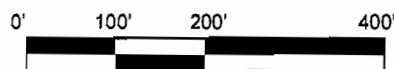


PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC-2006-418-1-I-W
SURVEY DATUM: UTM

FIGURE 4
PROPOSED STAGING AREA
1"=200'



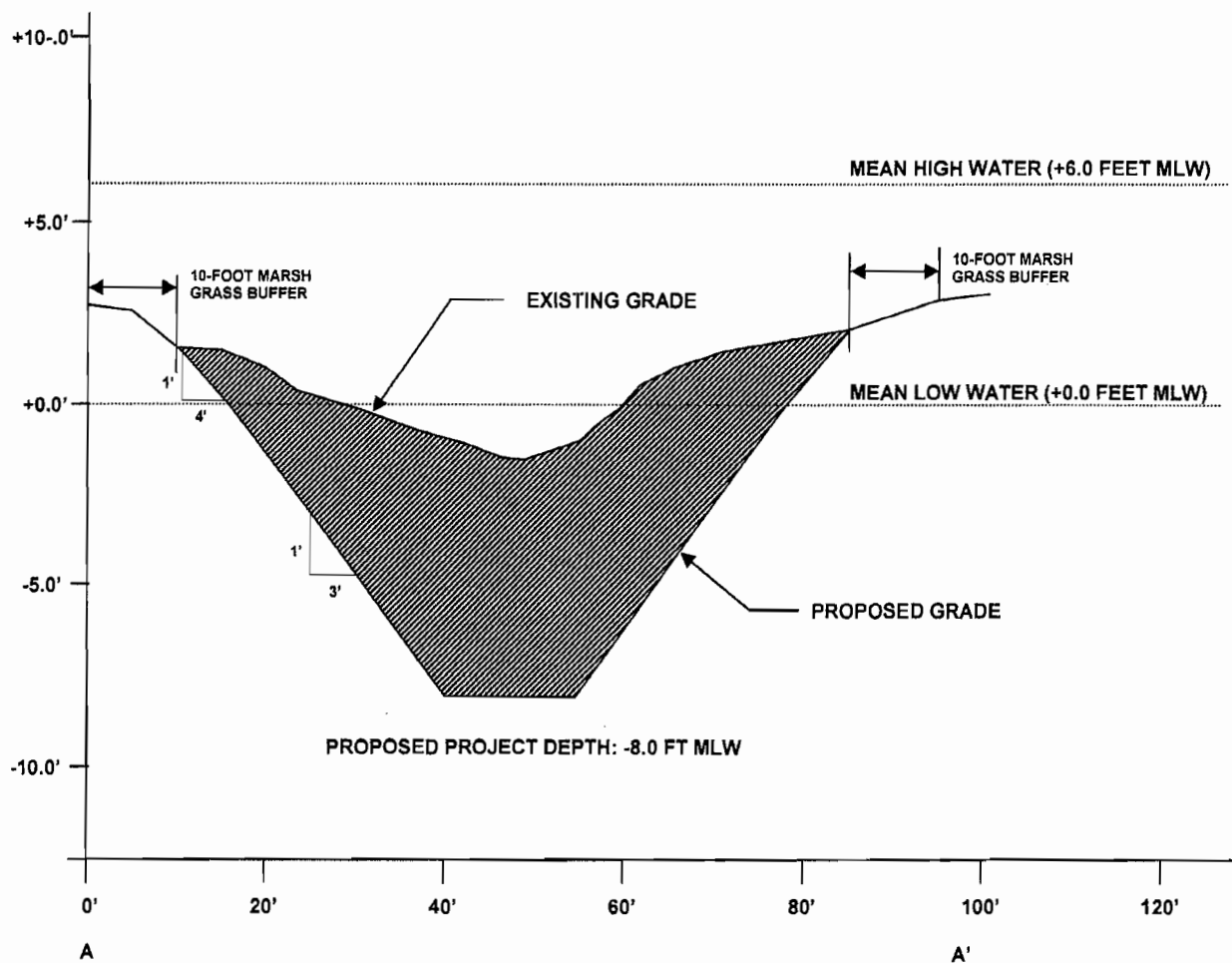
APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING


AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK
COUNTY: COLLETON

SHEET: 4 OF 7 **DATE:** 02/15/06



LEGEND

 PROPOSED DREDGE AREA

VERTICAL SCALE: 1"=5'
HORIZONTAL SCALE: 1"=20'

PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

9AC 2006-418-1-I-W

SURVEY DATUM: NA

FIGURE 5
SECTION A-A'
CROSS-SECTION SHOWING EXTENT
OF PROPOSED DREDGE AREA
SCALE SHOWN ABOVE

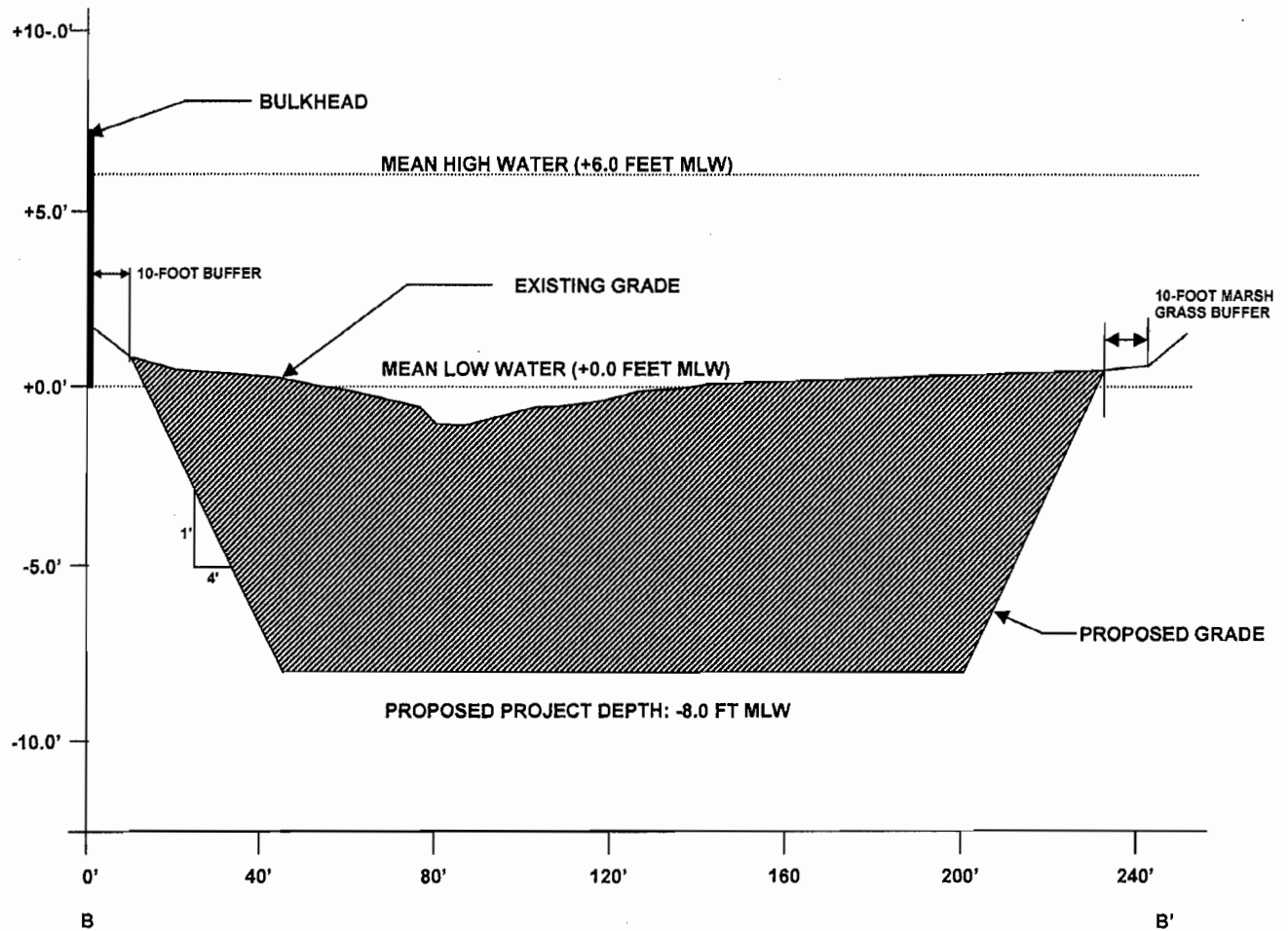
APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK
COUNTY: COLLETON

SHEET: 5 OF 7 **DATE:** 02/15/06



LEGEND

 PROPOSED DREDGE AREA

VERTICAL SCALE: 1"=5'
HORIZONTAL SCALE: 1"=40'

PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC-2006-418-1-I-W

SURVEY DATUM: NA

FIGURE 6
SECTION B-B'
CROSS-SECTION SHOWING EXTENT
OF PROPOSED DREDGE AREA
SCALE SHOWN ABOVE

APPLICANT
BAY POINT HOMEOWNERS ASSOC.

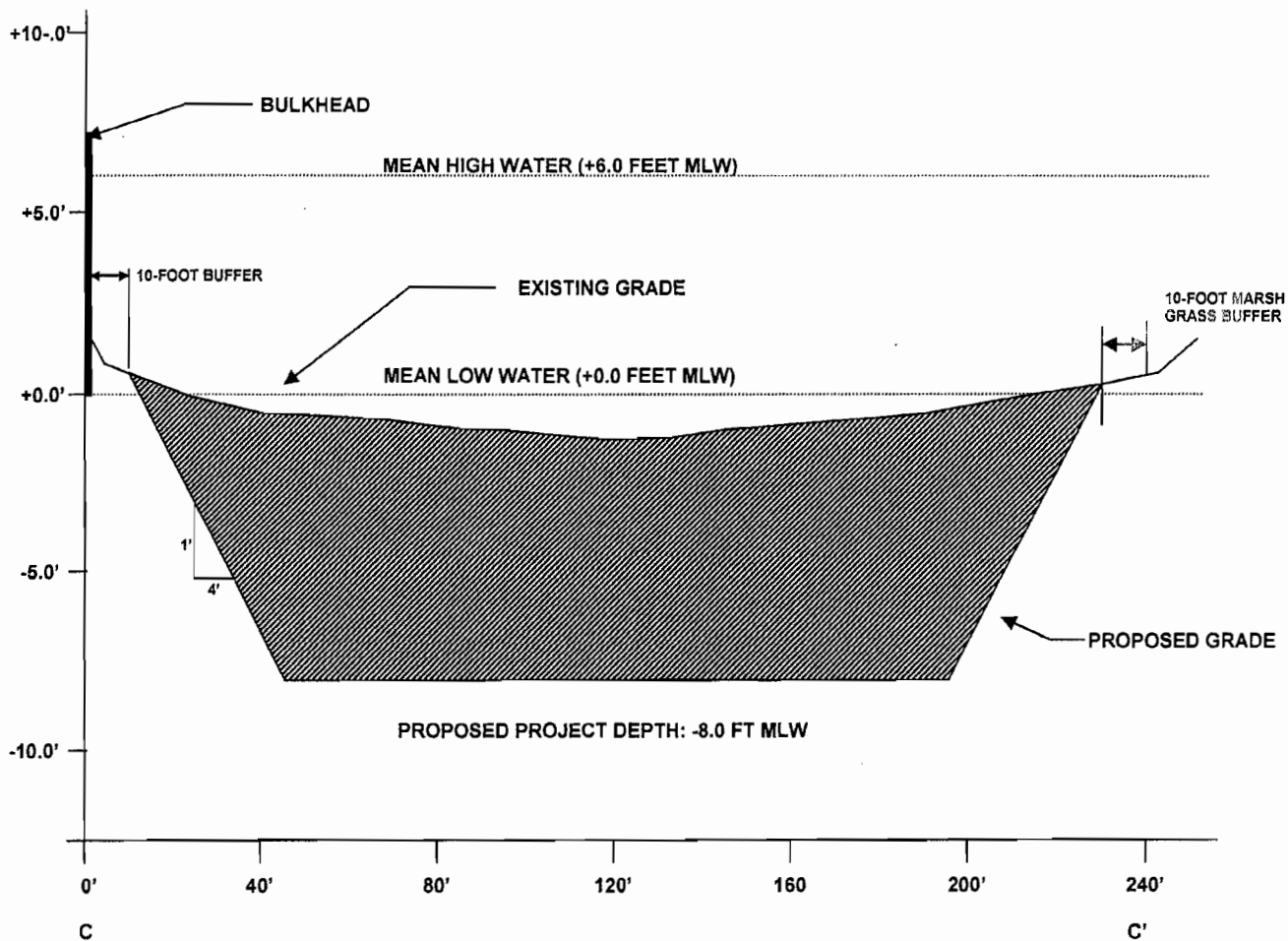
PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK

COUNTY: COLLETON

SHEET: 6 OF 7 **DATE:** 02/15/06



PURPOSE: MAINTAIN SUFFICIENT
OPERATING DEPTHS

ADJACENT PROPERTY OWNERS:
1. SEE ATTACHED

SAC-2006- 4184-I-W

SURVEY DATUM: NA

FIGURE 7
SECTION C-C'
CROSS-SECTION SHOWING EXTENT
OF PROPOSED DREDGE AREA
SCALE SHOWN ABOVE

APPLICANT
BAY POINT HOMEOWNERS ASSOC.

PROPOSED: MAINTENANCE
DREDGING

AT: BAY POINT BASIN
EDISTO BEACH, SOUTH CAROLINA

IN: BIG BAY CREEK

COUNTY: COLLETON

SHEET: 7 OF 7

DATE: 02/18/06